

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, SEPTEMBER 29, 2015

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chamber at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha.

Absent: Council Members - Kalra, Liccardo. (Excused)

STRATEGIC SUPPORT SERVICES

3.2 Accept Labor Negotiations Update.

There was no report.

CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:37 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to initiation of litigation in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9(d)(1) with respect to existing litigation: (1) In re: Claim of Bennett. Amount of Money or Other Relief Sought: Administrative Appeal. (2) In re: Claim of Crisanty. Amount of Money or Other Relief Sought: Administrative Appeal. (3) IAFF Local 230 v. City of San José; Names of Parties Involved: International Association of Firefighters Local 230, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-969-M. Amount of Money or Other Relief Sought: Damages According to Proof. (4) IFPTE Local 21 v. City of San José; Names of Parties Involved: International Federation of Professional and Technical Engineers Local 21, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-996-M; Amount of Money or Other Relief Sought: Damages according to proof. (5) American Federation of State, County and Municipal Employees, et al. v. City; Names of Parties Involved: American Federation of State, County and Municipal Employees, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-924-M;

CLOSED SESSION (Cont'd.)

Amount of Money or Other Relief Sought: Damages According to Proof. (6) OE#3 v. City of San José; Names of Parties Involved: Operating Engineers Local Union No. 3, City of San José; Court: State of California Public Employment Relations Board; Case No: SF-CE-900-M. (7) San José Police Officers' Association v. City, et al; Names of Parties Involved: San José Police Officers' Association, City of San José, Board of Administration for Police and Fire Department Retirement Plan of City of San José and Does 1-100; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225926, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (8) San José Retired Employees Association, et al. v. City, et al; Names of Parties Involved: San José Retired Employees Association, Howard E. Fleming, Donald S. Macrae, Frances J. Olson, Gary J. Richert and Rosalinda Navarro, City of San José Does 1 – 50, Board of Administration for the Federated City Employees Retirement System; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-233660, H040979, H042074; Amount of Money or Other Relief Sought: Declaratory Relief and Verified Petition for Writ of Mandate. (9) Sapien, et al. v. City of San José, et al; Names of Parties Involved: Robert Sapien, Marty Kathleen McCarthy, Thanh Ho, Randy Sekany, Ken Heredia, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, Does 1-15, The Board of Administration for the 1961 San José Police and Fire Department Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (10) Harris, et al. v. City of San José, et al; Names of Parties Involved: Teresa Harris, Jon Reger, Moses Serrano, Suzann Stauffer, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226570, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (11) Mukhar, et al. v. City of San José, et al; Names of Parties Involved: John Mukhar, Dale Dapp, James Atkins, William Buffington, Kirk Pennington, City of San José, Debra Figone in her official capacity as City Manager of the City of San José, The Board of Administration for the 1975 Federated City Employees' Retirement Plan, Does 1-15; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-226574, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (12) AFSCME, et al. v. City of San José, et al; Names of Parties Involved: American Federation of State, County and Municipal Employees, Local 101 on behalf of its members, City of San José, The Board of Administration for the Federated City Employees' Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case: 1-12-CV-225928, H040979, H042074; Amount of Money or Other Relief Sought: Challenge to Measure B. (13) People of the State of California, et al. v. City of San José, et al. Names of Parties Involved: The People of the State of California ex rel, San José Police Officers' Association, City of San José, City Council of San José; Court: Superior Court of the State of California for the County of Santa Clara; Case No: 1-13-CV-245503; Amount of Money or Other Relief Sought: Verified Complaint in Quo Warranto. (14) San José Retired Employees Association, et al V. City of San José, et al. Names of

CLOSED SESSION (Cont'd.)

Parties Involved: San José Retired Employees Association, Kirk Pennington, David Armstrong, Donna Jewett, Dorothy McGinley, City of San José, The Board of Administration for the Federated City Employees Retirement Plan; Court: Superior Court of California, County of Santa Clara; Case No: 1-14-CV-2680085; Amount of Money or Other Relief Sought: Change to City Medical Plan. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:13 a.m. and reconvened to Regular Session at 1:31 p.m. in the Council Chamber.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, M. Nguyen, T. Nguyen, Oliverio, Peralez, Rocha.

Absent: Council Members - Liccardo. (Excused)

INVOCATION

Rabbi Dana Magat, Temple Emanu-El offered the Invocation. (District 8)

PLEDGE OF ALLEGIANCE

Vice Mayor Rose Herrera led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Johnny Khamis, seconded by Council Member Chappie Jones and carried unanimously, the Orders of the Day and the Amended Agenda were approved, and Item 4.3 was deferred to October 6, 2015. (10-0-1. Absent: Liccardo.)

CEREMONIAL ITEMS

1.1 Presentation of a commendation to Laura Aguilera for her exemplary work in bringing awareness to the issue of Domestic Violence. (Herrera)

Vice Mayor Rose Herrera recognized and commended Laura Aguilera. Ms. Aguilera's son Diego was present.

1.2 Presentation of a commendation to the Northside Neighborhood Association for being the first neighborhood association formed in San José and celebrating their 50th anniversary. (Perez)

Vice Mayor Rose Herrera and Council Member Raul Perez recognized and commended the Northside Neighborhood Association.

1.3 Presentation of a proclamation recognizing the month of September 2015 as "Histiocytosis Awareness Month" in the City of San José. (Khamis)

Vice Mayor Rose Herrera and Council Member Johnny Khamis recognized the month of September 2015 as "Histiocytosis Awareness Month" in San José.

CONSENT CALENDAR

Upon motion by Council Member Tam Nguyen, seconded by Council Member Magdalena Carrasco and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Liccardo.)

2.1 Approval of Minutes.

There were none.

2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29614 – Establishing a temporary moratorium on the conversion or closure of mobilehome parks pending the review and possible amendment of land use regulations applicable to such conversions and closures and setting forth findings to support such temporary moratorium. CEQA: Exempt, Guidelines Sections 15061(b)(3) No potential for causing a significant impact on the environment and 15308 Actions by Regulatory Agencies for Protection of the Environment. (Planning, Building and Code Enforcement/Housing).**

Action: Ordinance No. 29614 was adopted. (10-0-1. Absent: Liccardo.)

2.3 Approval of Council Committee Minutes.

- (a) **Rules and Open Government Committee Minutes of September 9, 2015. (Mayor)**

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.

Documents Filed: The Rules and Open Government Committee Minutes dated September 9, 2015.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall presented comments on the September 9, 2015 Rules and Open Government Committee Minutes.

Action: The Committee Minutes were approved. (10-0-1. Absent: Liccardo.)

2.4 Mayor and Council Excused Absence Requests.

There were none.

2.5 City Council Travel Reports.

No Report.

2.6 Report from the Council Liaison to the Retirement Boards.

No Report.

2.7 Adopt a resolution to authorize the City Manager to:

- (a) Amend purchase orders with Cal West (Gilroy, CA), CB Concrete (Los Gatos, CA), Gabriel Alviso (Morgan Hill, CA), Golden Bay Construction (Hayward, CA), JJR Construction (San Mateo, CA) and Wilson Concrete (San José, CA) for concrete removal, replacement and repairs in the public right-of-way, to increase the amount of total cumulative compensation by \$1,000,000 from \$1,395,000 to \$2,395,000 for the remainder of the initial term of the purchase orders, ending January 11, 2016.**
- (b) Transfer available funds between the purchase orders as may be required based on requirements and contractor capacity.**
- (c) Exercise options to extend the purchase orders for five additional twelve month terms without further Council action other than the appropriation of funds.**

CEQA: Exempt, Guidelines Section 15301(c) Existing Facilities. File No. PP15-092. (Finance)

Documents Filed: City Council Action Request from Director of Finance Julia H. Cooper, dated September 8, 2015, recommending adoption of a resolution.

Action: Resolution No. 77535, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Amend Purchase Orders with Cal West, CB Concrete, Gabriel Alviso, Golden Bay Construction, JJR Construction and Wilson Concrete for Concrete Removal, Replacement and Repairs in the Public Right-Of-Way To Increase the Amount of Total Cumulative Compensation by \$1,000,000 from \$1,395,000 to \$2,395,000 For The Remainder of the Initial Term of the Purchase Orders; To Transfer Available Funds Between Purchase Orders and To Exercise Options to Extend the Purchase Orders for Five Additional Twelve Month Terms", was adopted. (10-0-1. Absent: Liccardo.)

2.8 As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Shred-A-Thon and E-Waste Collection Day scheduled on October 24, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Exempt, Guidelines Section 15304(e), Minor Alterations to Land. File No. PP12-080. (Jones)

[Rules and Open Government referral 9/16/15 – Item G(1)(a)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 17, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall expressed support to the Staff recommendations.

2.8 (Cont'd.)

Action: The Shred-A-Thon and E-Waste Collection Day scheduled on October 24, 2015 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (10-0-1. Absent: Liccardo.)

2.9 As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Disability Awareness Day scheduled on October 1, 2015 as a City Council sponsored Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Not a Project, File No. PP15-077, Temporary Special Events. (Jones)
[Rules and Open Government referral 9/16/15 – Item G(1)(b)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 17, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall expressed support to the Staff recommendations.

Action: The Disability Awareness Day scheduled on October 1, 2015 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (10-0-1. Absent: Liccardo.)

2.10 As recommended by the Rules and Open Government Committee on September 16, 2015:

- (a) Approve the Third Annual July 4th Family Fun Festival and Fireworks Show scheduled on July 4, 2016 as a City Council sponsored Event and approve the expenditure of funds.**
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**

CEQA: Exempt, Guidelines Section 15304(e) Minor Alterations to Land. File No. PP15-094. (Khamis)
[Rules and Open Government referral 9/16/15 – Item G(1)(c)]

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 17, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Johnny Khamis presented a brief update on the Family Fun Festival and Fireworks Show held July 4, 2015.

2.10 (Cont'd.)

Action: Upon motion by Council Member Johnny Khamis, seconded by Council Member Ash Kalra and carried unanimously, the Third Annual July 4th Family Fun Festival and Fireworks Show scheduled on July 4, 2016 as a City Council sponsored Special Event and the expenditure of funds were approved and acceptance of donations from various individuals, businesses or community groups to support the event was authorized. (10-0-1. Absent: Liccardo.)

- 2.11 (a) **Approve the proposed Spending Plan for the 2015 Edward Byrne Memorial Justice Assistance Grant.**
- (b) **Adopt a resolution accepting the 2015 Justice Assistance Grant in the amount of \$260,544 and authorize the City Manager to execute any documents required to effectuate the grant, including the Grant Agreement and the necessary Memorandum of Understanding with the County of Santa Clara.**
- (c) **Adopt the following 2015-2016 Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:**
- (1) **Increase the estimate for Earned Revenue in the amount of \$204,183.**
 - (2) **Establish an appropriation to the Police Department for the 2015 Justice Assistance Grant in the amount of \$204,183.**

CEQA: Not a Project, File No. PP10-066(g), Grant agreements and memorandum of understanding with no binding commitment to a course of action that will result in a physical change to the environment. (Police/City Manager)

Documents Filed: Memorandum from Chief of Police Larry Esquivel and Senior Deputy City Manager/Budget Director Jennifer A. Maguire, dated September 8, 2015, recommending approval the proposed spending plan, adoption of a resolution and appropriation ordinance and funding sources resolution amendments.

Action: The proposed Spending Plan for the 2015 Edward Byrne Memorial Justice Assistance Grant was approved, Resolution No. 77526, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Accept the 2015 Edward Byrne Memorial Justice Assistance Grant in the Amount of \$270,544 and Execute Any Documents Required to Effectuate the Grant, Including the Grant Agreement and the Necessary Memorandum of Understanding with the County of Santa Clara", Ordinance No. 29621, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29589 to Appropriate Monies in the Edward Bryne Memorial Justice Assistance Grant Trust Fund for the 2015 Justice Assistance Grant; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption" and Resolution No. 77537, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 77423 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2015-2016 to Adjust Revenues in the Edward Bryne Memorial Justice Assistance Grant Trust Fund", were adopted. (10-0-1. Absent: Liccardo.)

- 2.12 Approve an ordinance that will designate the public right-of-way boundaries in alignment with the existing, as-built roadway widths of Ocala Avenue, Adrian Way, Alfred Way and Berona Way, which are the four streets bordering Hillview Park. CEQA: Exempt, Guidelines Section 15301(c), Existing Facilities. File No. PP15-082. Council Districts 5 and 8. (Public Works)**

Documents Filed: City Council Action Request from Director of Public Works Barry Ng, dated September 8, 2015, recommending approval of an ordinance.

Action: Ordinance No. 29622, entitled: "An Ordinance of the City of San José Conforming the Public Right-Of-Way on the Portions of Ocala Avenue, Adrian Way, Alfred Way and Berona Way that Front Hillview Park to Reflect the Existing, As-Built Street Widths", was passed for publication. (10-0-1. Absent: Liccardo.)

- 2.13 Retroactively approve travel by Mayor Liccardo to New York City, NY on September 28-29, 2015 to participate in the Clinton Global Initiative Annual Meeting. Source of Funds: Mayor/Council Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Mayor)
[Rules Committee referral 9/23/15]**

Documents Filed: Memorandum from Mayor Sam Liccardo, dated September 22, 2015, requesting approval of travel.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall presented his point of view.

Action: The travel for Mayor Sam Liccardo was approved. (10-0-1. Absent: Liccardo.)

- 2.14 Retroactively approve travel by Council Member Raul Peralez to New York City, NY on September 22 – 25, 2015 and to Philadelphia, PA on September 26-27, 2015 to participate in the 3rd International Conference on Sustainable Development at Columbia University, NYC and participate in a walking tour of downtown Philadelphia parks. Source of Funds: Council Travel Fund. CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities. (Peralez)
[Rules Committee referral 9/23/15]**

Documents Filed: Memorandum from Council Member Raul Peralez, dated September 18, 2015, requesting retroactive approval of travel.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall provided comments.

Council Member Raul Peralez offered a brief report of his participation in the Third International Conference on Sustainable Development at Columbia University, New York City and a walking tour of downtown Philadelphia parks.

2.14 (Cont'd.)

Action: Upon motion by Council Member Raul Perez, seconded by Council Member Johnny Khamis and carried unanimously, the travel for Council Member Raul Perez was approved. (10-0-1. Absent: Liccardo.)

2.15 As recommended by the Rules and Open Government Committee on September 23, 2015, approve the recommended City positions for the following four resolutions to be considered at the Annual League of California Cities (LOCC) Conference to be held in San José, September 30-October 2, 2015:

- (a) Resolution Bylaw Amendment;**
- (b) Resolution relating to Overconcentration of Alcohol and Drug Treatment Facilities;**
- (c) Resolution relating to Residential Rentals, Support for SB 593 (McGuire);**
- (d) Resolution relating to Compensation for Prolonged Electrical Power Outages.**

(City Manager)

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated September 25, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Vice Mayor Rose Herrera opened the floor for public testimony.

Public Comments: David Wall spoke in support to the Staff recommendations.

Action: The recommended City positions for the following four resolutions to be considered at the Annual League of California Cities Conference to be held in San José, September 30, 2015 through October 2, 2015, were approved. (10-0-1. Absent: Liccardo.)

END OF CONSENT CALENDAR

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Norberto Dueñas (Verbal Report).

City Manager Norberto Dueñas commended the Police and Fire Departments, City Staff and City partners for providing a safe and welcoming venue for a number of high profile community events that occurred this weekend, including the annual Rock n' Roll San José ½ Marathon, the festivities near Plaza de Cesar Chavez, the arrival of Prime Minister Shri Narendra Modi on Saturday and the Community Reception for the Prime Minister on Sunday at the SAP San José Arena on Sunday, September 27, 2015.

City Manager Dueñas announced that the City of San José will be hosting the League of California Cities Annual Conference this week, September 30, 2015 through October 2, 2015 at the San José McEnery Convention Center.

Council Member Pierluigi Oliverio requested that the City Manager follow up on the 15 mph school speed zones based upon the recent death of a Mitty Student being hit by car traveling at 25 mph.

- 3.3 (a) Interview applicants for appointment to the Planning Commission.**
(b) Appoint one (1) applicant to the Planning Commission to an unexpired term ending June 30, 2016.

CEQA: Not a Project, File No. PP10-069(c), City Administrative Activities.
(City Clerk)

Action: Deferred to October 06, 2015 per the Rules and Open Government Committee.

COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Consideration of an ordinance rezoning the real property located on the north side of S. Almaden Avenue approximately 100 feet west of Sutter Street (863 Almaden Avenue) from the CN Commercial Neighborhood Zoning District to the R-M Multiple Residence Zoning District on a 0.16 gross acre site with a General Plan designation of Mixed Use Neighborhood, (Henely Robert, Owner). CEQA: Exempt, Guidelines Section 15303 New Construction or Conversion of Small Structures. File No. C15-015. Planning Commission recommends approval (7-0-0). (Planning, Building, and Code Enforcement)**
C15-015 – District 3

Documents Filed: (1) Memorandum from Planning Commission Secretary Harry Freitas, dated September 4, 2015, transmitting the Planning Commission recommendation. (2) Report of the Staff of the Department of Planning, Building and Code Enforcement on Project File No. C15-015 dated June 12, 2015.

4.1 (Cont'd.)

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Pierluigi Oliverio and carried unanimously, Ordinance No. 29623, entitled: "An Ordinance of the City of San José Rezoning Certain Real Property of Approximately 0.16 Acres Situated on the North Side of South Almaden Avenue Approximately 100 Feet West of Sutter Street (863 South Almaden Avenue) from the CN Commercial Neighborhood Zoning District to the R-M Multiple Residence Zoning District", was passed for publication. (10-0-1. Absent: Liccardo.),

4.2 Adopt a resolution:

- (a) Authorizing the issuance of a tax-exempt multifamily housing revenue note designated as "City of San José Multifamily Housing Revenue Note (Canoas Terrace), Series 2015B (the "Series 2015B Note") in a principal amount not to exceed \$22,700,000.
- (b) Approving a loan of Series 2015B Note proceeds to ISG Canoas Terrace L.P., a California limited partnership created by Impact Development Group LLC and Sierra Point Group LLC, California limited liability corporations, to finance the acquisition and rehabilitation of the Canoas Terrace Apartments located at 420 Sands Drive, in San José.
- (c) Approving in substantially final form the Funding Loan Agreement, Borrower Loan Agreement, and Regulatory Agreement and Declaration of Restrictive Covenants (the "Series 2015B Documents").
- (d) Authorizing and directing the City Manager, Director of Finance, and Interim Director of Housing, or their designees, to execute and deliver the Series 2015B Documents and related Series 2015B Documents as necessary.

CEQA: Addendum to the North San José Development Policies Update Final Program EIR (Resolution No. 72768 adopted June 21, 2005), File No. PDC07-101. Council District 6. (Housing/Finance)

Action: Deferred to October 06, 2015 per Administration.

4.3 Adopt a resolution:

- (a) Approving a Master Agreement for the Non-Exclusive Installation and Property Use of Telecommunications Facilities in the Right-of-Way and on City-Owned Property ("Master Agreement") for a 15 year term.
- (b) Approving a standard Site License Agreement for a five-year term with two additional five-year options to extend of up to five years each.
- (c) Approving a standard usage fee schedule based on a site's location within the City, equipment space requirements, and effective radiated power output of the antenna facility.
- (d) Authorizing the City Manager to execute the Master Agreements and Site License Agreements and all other documents necessary to complete a transaction.

CEQA: Exempt, Guidelines Section 15303(d), New Construction or Conversion of Small Structures, File No. PP15-093. (Economic Development)

Action: Deferred to October 06, 2015 per Orders of the Day.

NEIGHBORHOOD SERVICES

5.1 Conduct a Public Hearing and adopt a resolution to be effective December 1, 2015 to:

- (a) Set forth the new Schedule of Parkland Fees charged pursuant to the San José Municipal Code Chapters 14.25 (Park Impact Ordinance) and 19.38 (Parkland Dedication Ordinance).
- (b) Authorize the City Manager to determine the applicable parkland fees for any residential units in the City of San José that are not included in the Schedule of Parkland Fees based on the nearest Multiple Listing Service districts.

CEQA: Not a Project, File No. PP10-067(a), Adjustments to fees, rates, and charges. (Parks, Recreation and Neighborhood Services/Economic Development)

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Angel Rios, Jr. and Deputy City Manager/Director of Economic Development Kim Walesh, dated September 8, 2015, recommending adoption of a resolution.

Interim Assistant Director of Parks, Recreation and Neighborhood Services Matt Cano presented a brief report and responded to Council questions and concerns.

Vice Mayor Rose Herrera opened the Public Hearing.

Public Comments: Perry Mistry suggested providing self sufficient parks in San José.

Vice Mayor Rose Herrera closed the Public Hearing.

Action: Upon motion by Council Member Raul Peralez, seconded by Council Member Tam Nguyen and carried unanimously, Resolution No. 77538, entitled: "A Resolution of the Council of the City of San José Setting Forth the Schedule of Parkland Fees Charged Pursuant to Chapters 14.25 and 19.38 of the San José Municipal Code to Reflect the 2012 Residential Land Value Study Trended to 2014 and the Updated 2010 Census Data and Authorizing the City Manager to Determine the Applicable Parkland Fees for Any Residential Units in the City of San José That Are Not Included in the Schedule of Parkland Fees Based on the Nearest Multiple Listing Service Districts", was adopted. (10-0-1. Absent: Liccardo.)

NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
10303	18966 Almaden Rd	10	KCS Properties LLC	11/10	SFD	Approve

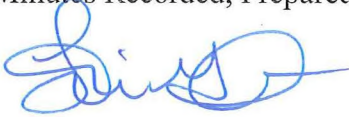
OPEN FORUM

David Wall urged the Council to direct the City Attorney to take legal action against Union Pacific Rail Road and the Santa Clara Valley Water District for allowing vagrants to trespass and live on their properties.

ADJOURNMENT

The Council of the City of San José was adjourned at 2:30 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,



Toni J. Taber, CMC
City Clerk

smd/09-29-15 MIN